

ENTERED

August 30, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL HIDALGO,	§	CIVIL ACTION No
Plaintiff,	§	4:24-cv-02098
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
STATE OF TEXAS,	§	
Defendant.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Michael Hidalgo filed this action labeled as “Petition for Review Appellant’s Appeal From the Adverse Actions of the Supreme Court of Texas in Violation of his Constitutional Rights.” Dkt 1.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan, recommending that this case be dismissed without prejudice for lack of subject-matter jurisdiction because this federal court has no jurisdiction to review the decision of the Texas Supreme Court rejecting Hidalgo’s “Writ of Error Coram Nobis.” Dkt 3.

Plaintiff filed objections, arguing that he has been denied his constitutional right to due process of law and other rights, which he argues as a requirement of the federal court to hear his case. Dkt 5.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there’s no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Upon *de novo* review and determination, Hidalgo's objections lack merit. Without clear explanation, the objections largely address the merits of his claims, which were not reached by the Magistrate Judge upon finding a lack of subject-matter jurisdiction. To the extent the objections address the jurisdictional findings of the Memorandum and Recommendation, they are without merit for the reasons stated by the Magistrate Judge. Hidalgo presents no authority supporting federal jurisdiction over appeal of a state court order denying a petition for writ of error coram nobis.

The objections to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 5.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 3.

This case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Signed on August 28, 2024, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Ch R Eskridge II".

Hon. Charles Eskridge
United States District Judge